

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.) CRIMINAL NO. 13-mj-6025-CJP
)
)
JAMES K. FOGARTY,)
)
)
Defendant.)

MOTION FOR DETENTION

The United States of America, by Stephen R. Wigginton, United States Attorney for the Southern District of Illinois, and James L. Porter, First Assistant United States Attorney, moves for the detention of the Defendant pending trial pursuant to Title 18, United States Code, Section 3142, for the following reasons:

- (X) The United States asserts that the Defendant is a flight risk and no conditions or combination of conditions will assure the appearance of the Defendant for all proceedings in this case.
- (X) The United States asserts that Defendant is a danger to the community.
- () The United States asserts that the Defendant is, or was at the time the offense was committed, on release pending trial for a felony, or on release pending imposition of execution of sentence (or appeal therefrom) or on probation or parole for any offense, all under Federal, State, or local law, or that the Defendant is not a citizen or lawfully admitted for permanent residence, and that the Defendant may flee or pose a danger to any other person or the community. Accordingly, the United States requests this Court to detain the Defendant for a period of not more than ten (10) days to permit notification to the proper court or official. Title 18, United States Code, Section 3142(d)(1).
- (X) The United States asserts that there is probable cause to believe that the Defendant is subject to the rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the Defendant or the safety of the community. Title 18, United States Code, Section 3142(e).

(X) The United States asserts that there is a serious risk that the Defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

WHEREFORE, the United States of America respectfully requests that this Honorable Court schedule a detention hearing and enter an Order directing that the Defendant be detained until trial or for whatever other relief may be proper, pursuant to Title 18, United States Code, Section 3142(e). The United States does (X) or does not () move for a three-day continuance from the time of the initial appearance or arraignment for the purpose of adequately preparing for the detention hearing. Title 18, United States Code, Section 3142(f).

Respectfully submitted,

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